

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-442

June 6, 2000

Appeal of Consumer Assistance  
Division Decision #2000-7819  
Regarding Central Maine Power  
Company

ORDER ON APPEAL

WELCH, Chairman; NUGENT, and DIAMOND, Commissioners

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**I. Summary**

In this Order we uphold the March 1, 2000 decision of the Consumer Assistance Division (CAD) regarding Vernon Bodwell's dispute with Central Maine Power (CMP).

**II. Background**

On January 3, 2000 Mr. Bodwell contacted CAD for assistance concerning a receipt for an account with CMP on Beech Street in Dexter, Maine. The receipt was for \$5.00, dated August 27, 1952. Mr. Bodwell had asked CMP for a refund of the deposit with all the interest owed. He had maintained the account on Beech Street since 1952 and CMP reported that he had an excellent credit history.

CMP attempted to track Mr. Bodwell's account, but was unable to do so because of a lack of records and the amount of time that has passed. Mr. Bodwell's account was not even assigned an account number until 1975 and any records of billings prior to that date are currently irretrievable. CMP believes that the deposit collected in 1952 was refunded years ago because otherwise it would still be reflected on the account. CMP also cites its current policy of refunding deposits once a customer has established good credit for twelve consecutive months.<sup>1</sup> CMP does not collect receipts when it issues refunds, so it is understandable that Mr. Bodwell still has a record of the deposit. CMP's investigation resulted in a \$5.00 credit to Mr. Bodwell's account as a "good faith" resolution of the matter. Mr. Bodwell was unsatisfied with this solution and sought to have the CAD remedy the problem by calculating the interest owed to him and ordering CMP to issue payment.

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<sup>1</sup> No records exist as to CMP's deposit policy in 1952.

**III. Discussion and Decision**

The PUC has only had jurisdiction over utility deposits since the passage of Title 35 M.R.S.A. § 105 in 1975. We are further limited by the passage of 48 years since the account was established. It would be burdensome and unrealistic to expect that CMP keep all written billing records accessible and retrievable for nearly half a century.

Mr. Bodwell was unable to provide any proof that CMP had not refunded his deposit. A review of his account does not reflect an unrefunded deposit. A customer disputing a billing issue with a utility should contact that utility and try to seek resolution. Mr. Bodwell followed those guidelines, but now seeks further assistance after CMP extended a good faith credit toward his account. CAD decided that CMP followed the proper procedures in this matter and that Mr. Bodwell is not owed any additional refund based on interest calculations.

The findings of CAD were reasonable. In the absence of any proof beyond a receipt of deposit, Mr. Bodwell has not met the burden necessary to compel CMP to extend further payment. Therefore, we uphold CAD's March 1, 2000 decision and decline to investigate this matter further.

Dated at Augusta, Maine, this 6th day of June, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

**NOTICE OF RIGHTS TO REVIEW OR APPEAL**

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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